

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of  
DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,

Complainant,

and

MIKE IRELAND,

Respondent.

CASE NO. OSH 2009-17

ORDER NO. 326

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) by conference call on June 22, 2009, and attended by Herbert B.K. Lau, Deputy Attorney General, for Complainant, and Mike P. Ireland, by telephone, Respondent, IT IS HEREBY ORDERED THAT:

A. The issues to be determined at trial are:

1. Whether the contest was timely filed?
2. Citation 1, Item 1 (29 CFR 1926.501(b)(13))

Whether Citation 1, Item 1, including the characterization as "Serious" and the associated penalty of \$1,000.00, resulting from Inspection No. 311436596, was valid and proper.

Citation 1, Item 1 alleged:

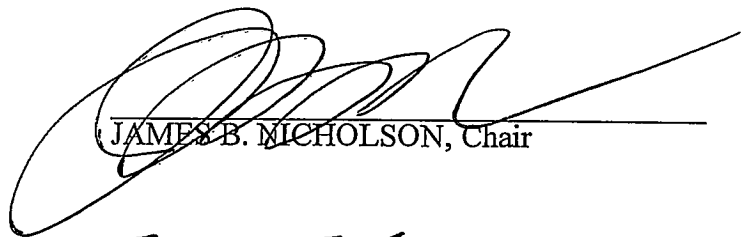
29 CFR 1926.501(b)(13) was violated because:

Four employees working on a roof were not protected from fall hazards by any means of fall protection. The lack of fall protection exposed the employees to potential serious injuries due to an eleven foot fall.

- B. The deadline for the parties' final naming of witnesses is **July 22, 2009**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with each witness's addresses and the general subject to which the witness will testify, to the other party and to the Board by this date.
- C. The parties may engage in discovery without prior motion or showing of good cause. The discovery cutoff date is **August 24, 2009**. The discovery cut-off is the date by which all responses to written discovery, including requests for admissions, shall be due and by which all depositions shall be concluded. The parties are advised to initiate discovery requests and notice depositions sufficiently in advance of the cut-off date to comply with this requirement.
- D. Trial in this matter is scheduled for **October 1, 2009 at 8:30 a.m.** in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. The trial may be continued by the Board until completed.
- E. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, June 23, 2009.

HAWAII LABOR RELATIONS BOARD

  
JAMES B. NICHOLSON, Chair

  
EMORY J. SPRINGER, Member

  
SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the

trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General  
Mike Ireland